

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

THE CHEROKEE NATION,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-16-1354-SLP
)	
THE DEPARTMENT OF THE INTERIOR, et al.)	
)	
Defendants.)	

**PLAINTIFF’S REQUEST FOR ORAL
ARGUMENT ON DEFENDANTS’ MOTION TO DISMISS**

COMES NOW Plaintiff, Cherokee Nation, and respectfully requests oral argument on Defendants’ Motion to Dismiss [Doc. No. 51] (herein “Defendants’ Motion”). In support of this request, Plaintiff Cherokee Nation states:

1. Plaintiff Cherokee Nation filed this action on November 28, 2016, seeking an equitable accounting of the trust assets held and managed by Defendants. *See* Complaint [Doc. No. 1].
2. On April 7, 2017, Defendants’ filed their Motion seeking dismissal of Plaintiff’s claims asserting that this Court lacks jurisdiction over such claims, despite ample authority to the contrary. *See* Doc. No. 51.
3. On June 14, 2017, Plaintiff Cherokee Nation filed its Response in Opposition to Defendants’ Motion [Doc. No. 63]. Thereafter, on July 21, 2017, Defendants filed their Reply Brief regarding their Motion [Doc. No. 70].
4. On May 4, 2018, Plaintiff Cherokee Nation supplemented its Response in

Opposition [Doc. No. 63] with additional authority supporting denial of Defendants' Motion that was issued after the briefing on Defendants' Motion was complete. *See* Doc. No. 72. Defendants responded to this supplement on May 18, 2018. *See* Doc. No. 73.

5. The briefing on Defendants' Motion was completed July 21, 2017, a little over a year ago.

6. After briefing was complete, on November 27, 2017, this action was reassigned to the Honorable Scott L. Palk. Plaintiff believes Oral Argument on Defendants' Motion would be beneficial both due to the factual and legal issues being placed before the Court for resolution, and to discuss with the Court the background of the case prior to reassignment.

7. Counsel for Defendants have been contacted regarding Defendants' position on this Motion and Counsel for Defendants indicated that they believe the relief requested herein is unnecessary as a request for oral argument was made in the briefing on Defendants' Motion.

WHEREFORE, Plaintiff Cherokee Nation respectfully requests the Court set a hearing date for Oral Argument at its earliest convenience to hear and rule on Defendants' Motion to Dismiss [Doc. No. 51], along with any other relief the Court deems just and proper.

Respectfully submitted on August 15, 2018,

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CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of August, 2018, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following:

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s/Dallas Lynn Dale Strimple

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